IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO.17827 of 2006

DATE OF DECISION: 13.11.2006

Vijay Kumar and others ....Petitioner

Versus

State of Punjab and others ...Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr.Arun Abrol, Advocate for the petitioners.

J.S. Khehar, J. (oral)

The petitioners have approached this Court so as to impugn the process of selection and appointment to 270 posts of Constable Operators/Messengers. It is the case of the petitioners that the advertisement dated 15.6.2006 (Annexure P9) lays down the qualifications for eligibility for the posts under reference. Reading from the advertisement aforesaid, learned counsel for the petitioners points out that the advertisement stipulates Matriculation with Punjabi as an elective subject and 2 years ITI course or equivalent or 1 year course with one year's experience from an Institute for eligibility for appointment against the posts of Constable Operators/Messengers.

Based on the aforesaid qualifications, learned counsel for the petitioners, first of all, vehemently contends that a large number of persons have been selected and appointed as Constable Operators/Messengers, despite the fact that they do not possess the

qualifications stipulated for the same. In this behalf, learned counsel for the petitioners has invited our attention to the following pleadings in paragraph 14 of the writ petition:-

> " The petitioners are fully eligible for the post of Operators/Messengers and have also successfully passed all the tests but have been wrongly ignored whereas the persons, who are not eligible at all, have been selected.
>
> The petitioners have been able to identify some of the selected candidates for the posts of Constable Operators in the General category, who are not eligible at all, e.g.; Jagdev Singh son of Massa Singh at Serial No.1, Roll No.0153/GSP, General Category, resident of village Babri Nangal is M.C.A. and is working as a Teacher, Roll No.0112/GSP, General category R/O village Fatehgarh Churian is M.C.A. and is working as Teacher. Japinder Singh son of Kashmir Singh at serial No.68, General category, Roll No.0067/GSP, R/o village Ghuman, Tehsil Dera Baba Nanak, District Gurdaspur, is B.C.A. Samson Bhatti son of Safi Masih, at Serial No.83, B.C. category, Roll No.0094/GSP R/o Fatehgarh Churian is B.C.A. and is working as Teacher and Preetlove Singh, at serial No.101, General category, Roll No.0062/GSP, R/o Batala, District Gurdaspur is B.C.A. In this way, the selection made is wholly illegal and is liable to be set aside.'

Having perused the pleadings pointedly brought to our notice, during the course of hearing, we are of the view, that the petitioners have no where

indicated that those selected and appointed did not possess the qualifications, noticed in the foregoing paragraph. It is, therefore, not possible for us to accept the instant contention of the learned counsel for the petitioners.

Learned counsel for the petitioners also assails the process of selection and appointment, by indicating that the process of selection shall comprise of four components, namely, (i) Physical Measurement, (ii) Physical Efficiency Test (iii) Written Test and (iv) Interview. It is the contention of the learned counsel for the petitioners that the petitioners qualified the physical measurement test, physical efficiency test, as well as,the written test, but were not furnished with the details of the marks obtained by them. It is pointed out that the details of marks were only indicated to the candidates, after the culmination of the entire process of selection. It is not possible for us to accept the challenge to the selection process on the instant contention of the learned counsel for the petitioners, specially in the background of the fact that there is no obligation at the hands of the respondents, statutorily or otherwise, to furnish the marks obtained by candidates in the written test or otherwise. In this behalf, reference may be made to the decision rendered by the Apex Court in PPSC V. Subhash Chander etc. (Civil Appeal No.6365 of 1997).

It is also the contention of the learned counsel for the petitioners that although limited number of posts were reserved to be filled up from various categories, yet from all the reserved categories appointments have been made by way of reservation far in excess of the posts advertised. This contention of the learned counsel for the

petitioners also appears to us to be conjectural, inasmuch as, no particulars or details in that behalf have been furnished in the pleadings of this case.

It also needs to be noticed that the instant writ petition deserves to be dismissed for the simple reason that none of the persons likely to be affected, have been impleaded as party respondents. The petitioners have not impleaded either the candidates who are allegedly not possessing the prescribed qualifications or the candidates who have been appointed in excess of the reservations stipulated in the advertisement dated 15.6.2006.

For the reasons recorded above, it is not possible for us to accept the prayers made by the petitioners in the instant writ petition.

Dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

November 13, 2006.
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